

HOUSE BILL 753

B1

CONSTITUTIONAL AMENDMENT

6lr3411
CF 6lr1195

By: **Delegate B. Barnes**

Introduced and read first time: February 8, 2016

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget**

3 FOR the purpose of proposing an amendment to the Maryland Constitution authorizing the
4 General Assembly to increase or add Executive Department items in the budget bill,
5 subject to a certain limitation; providing for the veto of certain budget bill items;
6 providing for the reversion to original appropriations of certain vetoed items in the
7 budget bill; providing that certain vetoed items in the budget bill shall be void;
8 authorizing the President of the Senate and the Speaker of the House of Delegates
9 to convene in extraordinary session to consider whether to override a vetoed item in
10 the budget bill; authorizing the General Assembly to override budget bill item vetoes;
11 establishing the manner in which and the time at which budget bill items become
12 law; clarifying language; and submitting this amendment to the qualified voters of
13 the State for their adoption or rejection.

14 BY proposing an amendment to the Maryland Constitution
15 Article II – Executive Department
16 Section 17

17 BY proposing an amendment to the Maryland Constitution
18 Article III – Legislative Department
19 Section 14 and 52(6)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
22 proposed that the Maryland Constitution read as follows:

23 **Article II – Executive Department**

24 17.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) To guard against hasty or partial legislation and encroachment of the
2 Legislative Department upon the co-ordinate Executive and Judicial Departments, every
3 Bill passed by the House of Delegates and the Senate, before it becomes a law, shall be
4 presented to the Governor of the State. If the Governor approves [he] **THE BILL, THE**
5 **GOVERNOR** shall sign it[, but if not he]. **EXCEPT FOR THE BUDGET BILL, IF THE**
6 **GOVERNOR DISAPPROVES THE BILL, THE GOVERNOR** shall return it with [his]
7 objections to the House in which it originated, which House shall enter the objections at
8 large on its Journal and proceed to reconsider the Bill. Each House may adopt by rule a
9 veto calendar procedure that permits Bills that are to be reconsidered to be read and voted
10 upon as a single group. The members of each House shall be afforded reasonable notice of
11 the Bills to be placed on each veto calendar. Upon the objection of a member, any Bill shall
12 be removed from the veto calendar. If, after such reconsideration, three-fifths of the
13 members elected to that House pass the Bill, it shall be sent with the objections to the other
14 House, by which it shall likewise be reconsidered, and if it passes by three-fifths of the
15 members elected to that House it shall become a law. The votes of both Houses shall be
16 determined by yeas and nays, and the names of the persons voting for and against the Bill
17 shall be entered on the Journal of each House respectively.

18 (b) If any Bill presented to the Governor while the General Assembly is in session
19 is not returned by [him] **THE GOVERNOR** with [his] objections within six days (Sundays
20 excepted), the Bill shall be a law in like manner as if [he] **THE GOVERNOR** signed it, unless
21 the General Assembly, by adjournment, prevents its return, in which case it shall not be a
22 law.

23 (c) Any Bill presented to the Governor within six days (Sundays excepted), prior
24 to adjournment of any session of the General Assembly, or after such adjournment, shall
25 become law without the Governor's signature unless it is vetoed by the Governor within 30
26 days after its presentment.

27 (d) Any Bill, **EXCEPT THE BUDGET BILL**, vetoed by the Governor shall be
28 returned to the House in which it originated immediately after the House has organized at
29 the next regular or special session of the General Assembly, **OTHER THAN IN**
30 **EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G) OF THIS SECTION.**
31 The Bill may then be reconsidered according to the procedure specified in this section. Any
32 Bill enacted over the veto of the Governor, or any Bill which shall become law as the result
33 of the failure of the Governor to act within the time specified, shall take effect 30 days after
34 the Governor's veto is over-ridden, or on the date specified in the Bill, whichever is later.
35 If the Bill is an emergency measure, it shall take effect when enacted. No such vetoed Bill
36 shall be returned to the Legislature when a new General Assembly of Maryland has been
37 elected and sworn since the passage of the vetoed Bill.

38 (e) [The] **EXCEPT FOR THE BUDGET BILL, THE** Governor shall have power to
39 disapprove of any item or items of any Bills making appropriations of money embracing
40 distinct items, and the part or parts of the Bill approved shall be the law, and the item or
41 items of appropriations disapproved shall be void unless repassed according to the rules or
42 limitations prescribed for the passage of other Bills over the Executive veto.

1 **(F) (1) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE**
2 **BUDGET BILL AS PROVIDED IN THIS SUBSECTION.**

3 **(2) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE**
4 **EXECUTIVE DEPARTMENT THAT HAVE BEEN INCREASED OR ADDED BY THE**
5 **GENERAL ASSEMBLY. THE GOVERNOR MAY NOT VETO ANY OTHER ITEMS IN THE**
6 **BUDGET BILL.**

7 **(3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED**
8 **BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE**
9 **THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL REVERT TO**
10 **THE APPROPRIATION ORIGINALLY SUBMITTED BY THE GOVERNOR. THE ORIGINAL**
11 **APPROPRIATION SHALL THEN BE LAW IMMEDIATELY WITHOUT FURTHER ACTION BY**
12 **THE GOVERNOR.**

13 **(4) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED BY**
14 **THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE**
15 **VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL BE VOID.**

16 **(5) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW**
17 **IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.**

18 **(G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE**
19 **GENERAL ASSEMBLY MAY CONVENE IN EXTRAORDINARY SESSION WITHIN 30 DAYS**
20 **AFTER THE DATE OF THE VETO TO CONSIDER WHETHER TO OVERRIDE THE VETO. IF**
21 **THE GENERAL ASSEMBLY WISHES TO CONSIDER WHETHER TO OVERRIDE THE**
22 **GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE PRESIDENT OF THE**
23 **SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY SHALL ISSUE A**
24 **PROCLAMATION SPECIFYING THE DATE ON WHICH TO CONVENE IN EXTRAORDINARY**
25 **SESSION.**

26 **(2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER THIS**
27 **SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE THE GOVERNOR'S**
28 **VETO OF AN ITEM IN THE BUDGET BILL. THE GENERAL ASSEMBLY MAY NOT**
29 **CONSIDER THE OVERRIDE OF THE GOVERNOR'S VETO OF ANY OTHER BILL.**

30 **(3) (I) THE BUDGET BILL SHALL BE RETURNED BY THE**
31 **GOVERNOR TO THE HOUSE IN WHICH IT ORIGINATED, AND EACH VETOED ITEM**
32 **SHALL BE CONSIDERED INDIVIDUALLY.**

1 **(II) IF THREE-FIFTHS OF THE MEMBERS ELECTED TO THAT**
 2 **HOUSE VOTE TO OVERRIDE THE VETO OF AN ITEM, IT SHALL BE SENT TO THE OTHER**
 3 **HOUSE FOR CONSIDERATION.**

4 **(III) IF THREE-FIFTHS OF THAT HOUSE VOTE TO OVERRIDE THE**
 5 **VETO OF THE ITEM, THAT ITEM SHALL REVERT TO THE APPROPRIATION ORIGINALLY**
 6 **PASSED BY THE GENERAL ASSEMBLY. THE APPROPRIATION AS ORIGINALLY PASSED**
 7 **SHALL THEN BECOME LAW IMMEDIATELY, WITHOUT FURTHER ACTION BY THE**
 8 **GOVERNOR OR THE GENERAL ASSEMBLY.**

9 **Article III – Legislative Department**

10 14.

11 The General Assembly shall meet on the second Wednesday of January, nineteen
 12 hundred and seventy-one, and on the same day in every year thereafter, and at no other
 13 time, unless convened **BY JOINT PROCLAMATION OF THE PRESIDENT OF THE SENATE**
 14 **AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER SECTION 17(G) OF**
 15 **ARTICLE II OF THIS CONSTITUTION OR** by Proclamation of the Governor. **[A] THE**
 16 **GOVERNOR SHALL ISSUE A** Proclamation convening the General Assembly in
 17 extraordinary session **[must be issued by the Governor]** if a majority of the members elected
 18 to the Senate and a majority of the members elected to the House of Delegates join in a
 19 petition to the Governor requesting that **[he] THE GOVERNOR** convene the General
 20 Assembly in extraordinary session, and the Governor shall convene the General Assembly
 21 on the date specified in the petition. This section does not affect the Governor's power to
 22 convene the General Assembly in extraordinary session pursuant to Section 16 of Article II
 23 of this Constitution.

24 52.

25 **(6)** The General Assembly shall not amend the Budget Bill so as to affect either
 26 the obligations of the State under Section 34 of Article III of the Constitution, or the
 27 provisions made by the laws of the State for the establishment and maintenance of a system
 28 of public schools or the payment of any salaries required to be paid by the State of Maryland
 29 by the Constitution **[thereof; and the]. THE** General Assembly may amend the bill by
 30 increasing or diminishing **[the] items** therein relating to the General Assembly, **[and]** by
 31 increasing or diminishing **[the] items** therein relating to the judiciary, **[but except as**
 32 **hereinbefore specified, may not alter the said bill except to strike out or reduce items**
 33 **therein, provided, however, that the] AND BY INCREASING, DIMINISHING, OR ADDING**
 34 **ITEMS RELATING TO THE EXECUTIVE DEPARTMENT AS LONG AS THE TOTAL OF THE**
 35 **APPROPRIATION FOR THE EXECUTIVE DEPARTMENT APPROVED BY THE GENERAL**
 36 **ASSEMBLY DOES NOT EXCEED THE TOTAL ALLOWANCE FOR THE EXECUTIVE**
 37 **DEPARTMENT SUBMITTED BY THE GOVERNOR. THE** salary or compensation of any
 38 public officer **[shall] MAY** not be decreased during his term of office $[\text{; and such bill, when}$
 39 $\text{and as passed by both Houses, shall be a law immediately without further action by the}$

1 Governor]. **WHEN PASSED BY BOTH HOUSES, THE BILL SHALL BE PRESENTED TO THE**
2 **GOVERNOR FOR APPROVAL OR DISAPPROVAL ACCORDING TO SECTION 17 OF**
3 **ARTICLE II OF THIS CONSTITUTION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
5 determines that the amendment to the Maryland Constitution proposed by this Act affects
6 multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
7 Constitution concerning local approval of constitutional amendments do not apply.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
9 proposed as an amendment to the Maryland Constitution shall be submitted to the
10 qualified voters of the State at the next general election to be held in November 2016 for
11 their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that
12 general election, the vote on this proposed amendment to the Constitution shall be by
13 ballot, and upon each ballot there shall be printed the words “For the Constitutional
14 Amendment” and “Against the Constitutional Amendment,” as now provided by law.
15 Immediately after the election, all returns shall be made to the Governor of the vote for and
16 against the proposed amendment, as directed by Article XIV of the Maryland Constitution,
17 and further proceedings had in accordance with Article XIV.